

KEVIN V. RYAN (CSBN 118321)
United States Attorney

MARK L. KROTOSKI (CSBN 138549)
Chief, Criminal Division

PETER B. AXELROD (CSBN 190843)
LAUREL BEELER (CSBN 187656)
Assistant United States Attorneys

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-6774
Facsimile: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 05-00395 CRB
)	
Plaintiff,)	<u>REQUEST, STIPULATION AND ORDER</u>
)	
v.)	
)	
JIMMY GONG YAN LEE,)	
)	
Defendant.)	

This matter is currently on the Court's calendar for July 12, 2006. Through counsel, defendant Jimmy Gong Yan Lee and the United States ask the Court to (a) vacate the July 12, 2006 date based on the defendant's anticipated plea agreement, (b) set a date of July 26, 2006 for change-of-plea, and (c) exclude time under the Speedy Trial Act, 18 U.S.C. § 3161 from July 12, 2006, to July 26, 2006.

1. The parties are currently working out the language of a plea agreement and request that the Court set the matter for July 26, 2006, for change-of-plea.

2. The parties agree that the time between July 12, 2006 and July 26, 2006 should be excluded from the Speedy Trial clock. Previously, the Court has declared this case complex.

ORDER
CR 05-00395 CRB

1 See 18 U.S.C. § 3161(h)(8)(B)(ii). Further, defense counsel is investigating the immigration
 2 consequences of a plea. That matter needs a short amount of time to be resolved, and thus the
 3 parties agree that a continuance is necessary for the effective preparation of defense counsel,
 4 taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties
 5 also agree that the ends of justice served by excluding the period from July 12, 2006 to July 26,
 6 2006 outweigh the interest of the public and the defendant in a Speedy Trial. See id. §
 7 3161(h)(8)(A).

8
 9 STIPULATED:

10 July 6, 2006 /S/ PETER B. AXELROD _____
 11 DATE PETER B. AXELROD
 12 LAUREL BEELER
 Assistant United States Attorneys

13 July 6, 2006 /S/ ALAN DRESSLER _____
 14 DATE ALAN DRESSLER
 Attorney for Jimmy Gong Yan Lee

15
 16
 17 **ORDER**

18 For good cause shown, and for the reasons stated above, the Court (a) vacates the July 12,
 19 2006, hearing date for defendant Jimmy Gong Yan Lee based on the anticipated plea agreement,
 20 (b) sets the matter for change-of-plea on July 26, 2006, at 2:15 p.m., and (c) excludes times under
 21 the Speedy Trial Act, 18 U.S.C. § 3161, from July 12, 2006, to July 26, 2006. The Court finds
 22 that the failure to grant the requested exclusion would deny defense counsel reasonable time
 23 necessary for effective preparation taking into account the exercise of due diligence. Further, the
 24 Court finds the exclusion warranted on complexity grounds, under 18 U.S.C. § 3161(h)(8)(B)(ii).
 25 Thus, the Court finds that the ends of justice served by granting the requested exclusion outweigh
 26 the best interest of the public and the defendant in a speedy trial and in the prompt disposition of
 27 criminal cases. The Court therefore concludes that this exclusion of time should be made under
 28

1 18 U.S.C. §§ 3161(h)(8)(A), (h)(8)(B)(ii) and (h)(8)(B)(iv).

2 IT IS SO ORDERED.

3
4 DATED: July 7, 2006

5 CHARLES R. BREYER
United States District Judge

